



State of Wisconsin
2011 - 2012 LEGISLATURE

January 2011 Special Session



LRBa0502/1
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**SENATE AMENDMENT 1,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO SENATE BILL 8**

February 8, 2011 – Offered by COMMITTEE ON ECONOMIC DEVELOPMENT AND VETERANS
AND MILITARY AFFAIRS.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 7, line 1: delete lines 1 to 7 and substitute:

3 “**SECTION 1g.** 13.92 (4) (a) of the statutes is amended to read:

4 13.92 (4) (a) The legislative reference bureau shall prepare copy for publication
5 in the Wisconsin administrative code. Whenever the legislative reference bureau
6 receives notice under s. 227.40 (6) of the entry of a declaratory judgment determining
7 the validity or invalidity of a rule, the legislative reference bureau shall insert an
8 annotation of that determination in the Wisconsin administrative code under the
9 rule that was the subject of the determination.

10 **SECTION 1m.** 35.93 (4) of the statutes is amended to read:

11 35.93 (4) Each issue of the Wisconsin administrative register shall contain a
12 notice section in which shall be printed the notices of hearings on rule making which

1 agencies have transmitted to the legislative reference bureau for that purpose,
2 statements of scope of proposed rules under s. 227.135, notices of submittal to the
3 legislative council staff under s. 227.14 (4m), notices of intent to promulgate rules
4 without a public hearing under s. 227.16 (2) (e), notices of referrals of proposed rules
5 to presiding officers under s. 227.19 (2), notices of emergency rules in effect, fiscal
6 estimates for rule-making orders under s. 227.14 (4), notices of declaratory
7 judgments received under s. 227.40 (6), and such other notices as may be required
8 by law or determined by the legislative reference bureau to be appropriate.

9 **SECTION 1r.** 227.10 (2m) of the statutes is created to read:

10 227.10 (2m) No agency may implement or enforce any standard, requirement,
11 or threshold, including as a term or condition of any license issued by the agency,
12 unless that standard, requirement, or threshold is explicitly required or explicitly
13 permitted by statute or by a rule that has been promulgated in accordance with this
14 subchapter. The governor, by executive order, may prescribe guidelines to ensure
15 that rules are promulgated in compliance with this subchapter.”.

16 **2.** Page 8, line 11: delete “expressly” and substitute “explicitly”.

17 **3.** Page 8, line 15: delete “expressly” and substitute “explicitly”.

18 **4.** Page 13, line 14: delete that line.

19 **5.** Page 15, line 6: delete “(4) and” and substitute “(4).”.

20 **6.** Page 15, line 7: after “(2)” insert “, and any revised economic impact analysis
21 required under s. 227.137 (4)”.

22 **7.** Page 15, line 14: after “(2)” insert “and any revised economic impact analysis
23 required under s. 227.137 (4)”.

1 **8.** Page 15, line 16: after “(2)” insert “, any revised economic impact analysis
2 required under s. 227.137 (4),”.

3 **9.** Page 16, line 24: after “(2)” insert “, a copy of any revised economic impact
4 analysis prepared by the agency under s. 227.137 (4)”.

5 **10.** Page 21, line 12: after “and” insert “any”.

6 **11.** Page 23, line 16: after “(d)” insert “, until the expiration of the review
7 period under par. (b) 1., if no committee has objected to the proposed rule or the part
8 of the proposed rule”.

9 **12.** Page 26, line 18: delete “Dane County” and substitute “Dane County the
10 county where the dispute arose”.

11 **13.** Page 27, line 4: delete lines 4 to 9 and substitute:

12 “**SECTION 62g.** 227.40 (6) of the statutes is created to read:

13 227.40 (6) Upon entry of a final order in a declaratory judgment action under
14 sub. (1), the court shall notify the legislative reference bureau of the court’s
15 determination as to the validity or invalidity of the rule, and the legislative reference
16 bureau shall publish a notice of that determination in the Wisconsin administrative
17 register under s. 35.93 (4) and insert an annotation of that determination in the
18 Wisconsin administrative code under s. 13.92 (4) (a).

19 **SECTION 63g.** 801.50 (3) of the statutes is amended to read:

20 801.50 (3) All Except as provided in this subsection, all actions in which the
21 sole defendant is the state, any state board or commission, or any state officer,
22 employee, or agent in an official capacity shall be venued in Dane County unless
23 another venue is specifically authorized by law. All actions relating to the validity
24 or invalidity of a rule shall be venued as provided in s. 227.40 (1).”.

